



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 7

#### FINAL PROVISIONS

#### 74 Orders and regulations

- (1) Any power of the Secretary of State or Treasury to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing any of the following orders or regulations may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House of Parliament—
  - (a) an order under section 20(7), 23(6) or 25(5);
  - (b) an order under section 38;
  - [<sup>F1</sup>(ba) regulations under section 40A(4);
  - (bb) regulations under section 40B;]
  - (c) regulations under section 41;
  - (d) an order under section 43, or under a section amended by such an order;
  - (e) the first regulations under section 50(1);
  - (f) the first regulations under section 50(5);
  - (g) the first regulations under section 51(3);
  - (h) the first regulations under section 51(4);
  - (i) an order under section 53 or 54(4) or (6);
  - (j) a fees order (within the meaning of section 68);
  - [<sup>F2</sup>(ja) regulations under section 70A;]
  - (k) an order under section 73(2) which amends or repeals primary legislation;
  - (l) an order under paragraph 2(3)(e) of Schedule 6.
- (3) “Primary legislation” means any of the following—
  - (a) a public general Act;
  - (b) an Act of the Scottish Parliament;

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*Changes to legislation: Immigration Act 2014, Section 74 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) a Measure or Act of the National Assembly for Wales;
  - (d) Northern Ireland legislation.
- (4) A statutory instrument containing any other order or regulations made by the Secretary of State or Treasury under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) But subsection (4) does not apply to a statutory instrument containing an order under any of sections 35(3), 73(1) and 75(3) (subject to subsection (7)).
- (6) Subsection (7) applies if an order under section 75(3) is made which—
- (a) brings into force a provision of Chapter 1 of Part 3,
  - (b) brings that provision into force only in relation to a particular area or areas within England and Wales, Scotland or Northern Ireland, and
  - (c) is the first order to be made bringing into force a provision of that Chapter only in relation to an area or areas within England and Wales, Scotland or Northern Ireland.
- (7) A statutory instrument containing any subsequent order under section 75(3) (after the order mentioned in subsection (6)) that brings into force a provision of Chapter 1 of Part 3 for anywhere other than the area or areas mentioned in paragraph (b) of that subsection is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An order or regulations made by the Secretary of State or Treasury under this Act may—
- (a) make different provision for different purposes or areas,
  - (b) make provision which applies generally or only for particular purposes or areas,
  - (c) make transitional, transitory or saving provision, or
  - (d) make incidental, supplementary or consequential provision.

#### **Textual Amendments**

- F1** S. 74(2)(ba)(bb) inserted (1.11.2016 for specified purposes, 30.10.2017 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 7 para. 6](#); S.I. 2016/1037, reg. 2(d); S.I. 2017/929, reg. 2(b)
- F2** S. 74(2)(ja) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 85\(3\)](#), 94(4)

**Changes to legislation:**

Immigration Act 2014, Section 74 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)